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Attorneys for Defendant  
METALCLAD INSULATION CORPORATION

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

FRANK DELAHAYE,

Plaintiff,

v.

ASBESTOS DEFENDANTS, As Reflected  
on Exhibits B, B-1, C, H, I, J, N and DOES  
1-8500, et al.,

Defendants.

CASE No.

5504

DECLARATION OF FELICIA Y. FENG IN  
SUPPORT OF NOTICE OF REMOVAL OF  
ACTION PURSUANT TO 28 U.S.C. § 1442  
(a)(1) (FEDERAL OFFICER)

I, Felicia Y. Feng, declare as follows:

1. I am an attorney at the law firm of McKenna Long & Aldridge LLP, counsel for Metalclad Insulation Corporation.

2. The matters set forth in this declaration are personally known to me to be true and correct, and if called as a witness, I could and would competently testify thereto. This declaration is submitted in support of the Notice of Removal of Action by Metalclad Insulation Corporation.

3. Attached hereto as **Exhibit A** is a true and correct copy of Plaintiff's Summons and Complaint filed in the case captioned *Frank Delahaye v. Asbestos Defendants, et al., (BP)*, Case No. CGC-09-275327 (Superior Court, San Francisco County, California), which represents all process, pleadings, and orders served upon Metalclad Insulation Corporation in this case.

ORIGINAL  
FILED

NOV 20 2009

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT,  
NORTHERN DISTRICT OF CALIFORNIA

E-filing

JCS

CV

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4. Attached hereto as **Exhibit B** are true and correct copies of Material Issue cards associated with receipt and issue of the subject Unibestos insulation directing said Unibestos for use aboard the *USS Guitarro*, the *USS Pintado*, the *USS Drum*, and the *USS Hawkbill*.

5. Attached hereto as **Exhibit C** is a true and correct certified blue-ribbon copy of Navy Approved Materials List 32P3, Mod No. 4, dated 09/15/39, pg. 242; Letter from Navy Department of Engineering adding Unibestos to the Approved Material List on 12/27/37, pg. 181(1), 182(1).

6. Attached hereto as **Exhibit D** is a true and correct certified blue-ribbon copy of Navy Approved Materials List 32-C-14, Mod No. 22 dated 5/12/44 and Mod No. 114 dated 03/08/46 pgs. 64, 297, 2, 67, 426; Letter to Chief of the Bureau of Supplies and Accounts dated 05/02/44; Mod No. 14, dated 07/15/40 pg. 59; Navy Bureau of Ships memo; Mod No. 1 of Specification 32C14 dated 12/15/36.

7. Attached hereto as **Exhibit E** is a true and correct certified blue-ribbon copy of Navy Approved Materials List 32-I-3, Mod. No. 184 dated 11/15/49, pg. 240, Mod. No. 123, dated 05/03/46, pg. 240.

8. Attached hereto as **Exhibit F** is a true and correct certified blue-ribbon copy of Navy Approved Materials List 32P8, Mod. No. 184, dated 11/15/49, pg. 353, 353(A), Mod. No. 182, dated 09/15/49, pg. 353(A), Mod. No. 126, dated 05/24/46, pg. 353, Mod. No. 106, dated 01/04/46, pg. 425, 313, 314.

9. Attached hereto as **Exhibit G** is a true and correct copy of Navy QPL 32P8, dated 06/01/50.

10. Attached hereto as **Exhibit H** is a true and correct certified copy of Navy QPL-2781 dated 3 December 1951 Superseding QPL 32PB, dated 18 June 1951.

11. Attached hereto as **Exhibit I** is a true and correct copy of Navy QPL-2781 dated 05/27/69 superseding 09/22/68 QPL.

12. Attached hereto as **Exhibit J** is a true and correct copy of Pittsburgh Corning Corporation's General Order 129 Interrogatory Responses, dated August 12, 1997.

1           13. Attached hereto as **Exhibit K** is a true and correct copy of Pittsburgh Corning  
2 Corporation's Verified Responses to Plaintiffs(s) Master Set of Interrogatories and Request for  
3 Admissions in the United States District Court for the Eastern District of Texas (All Divisions),  
4 dated December 21, 1982.

5           14. Attached hereto as **Exhibit L** is a true and correct copy of Pittsburgh Corning  
6 Corporation's Verified Responses to Plaintiffs' Master Set of Interrogatories and Request for  
7 Production, *In re: Asbestos Litigation*, in the District Courts of Travis County, Texas, dated May  
8 23, 1994.

9           15. Attached hereto as **Exhibit M** is a true and correct copy of the relevant portions of  
10 the deposition of Robert Buckley, dated 02/07/80 in the matter of *Dorothy St. Jacque, et al. v.*  
11 *Johns-Manville Products Corporation, et al.*, Los Angeles Superior Court Case No. C 137 465.

12           16. Attached hereto as **Exhibit N** is a true and correct copy of the US Naval Historical  
13 Center (official website of the US Navy and official historical program of the US Navy)  
14 document regarding the History of the *USS Thresher* (SSN-293).

15           17. Attached as **Exhibit O** is a true and correct copy of Atlantic News article entitled  
16 The Loss of the USS Thresher. (Hirtle, *The Loss of the USS Thresher*, Atlantic News (August 24,  
17 2000 and April 3, 2003.)).

18           18. Attached hereto as **Exhibit P** is a true and correct copy of relevant portions of  
19 Wilfred Newton's trial testimony in *Alma Sanders, et al. v. Abex Corp., et al.*, San Francisco  
20 Superior Court Case No. 966458, April 29, 1998.

21           19. Attached hereto as **Exhibit Q** is a true and correct copy of relevant excerpts of the  
22 XVII United States Naval Medical Bulletin dated November 1922.

23           20. Attached hereto as **Exhibit R** is a true and correct copy of the United States Navy,  
24 Handbook of the Hospital Corps dated 1939.

25           21. Attached hereto as **Exhibit S** is a true and correct copy of relevant portions of the  
26 U.S. Navy Department and U.S. Maritime Commission *Minimum Requirements for Health and*  
27 *Industrial Safety in Government Contract Shipyards* (U.S. Government Printing Office 1943).

28

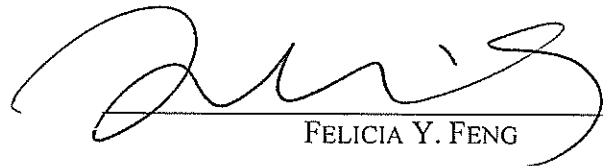
22. Attached hereto as **Exhibit T** is a true and correct copy of a letter from C.D. Wheelock to the U.S. Maritime Commission dated January 20, 1944.

23. Attached hereto as **Exhibit U** is a true and correct copy of O.W. Mesker's "Pipe Insulation Processes and Procedures," at 7 and Discussion of "O.W. Mesker's Talk," following thereafter, from Minutes of Pipe and Copper Shop Master Mechanic Conference, dated May 8-10, 1957.

24. Attached hereto as **Exhibit V** is a true and correct copy of relevant portions of the U.S. Navy Safety Review, Vol. 19, No. 10 October 1962.

25. Attached hereto as **Exhibit W** is a true and correct copy of "The Interim Report on Study to Eliminate Asbestos From Use in the Shipyard on Navy Contracts," June 19, 1970.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed in San Francisco, California on November 19, 2009.



FELICIA Y. FENG